

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
DEC - 6 2024
CLERK'S OFFICE
DETROIT

DERRICK LEE CARDELLO-SMITH, #267009,
Plaintiff,

Vs

Case 3 no 2:24-cv-12647

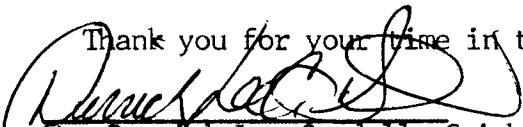
SEAN COMBS,
Defendant,

hon. Judith Levy

PERMISSION TO FILE AN INTERLOCUTORY APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT TO DETERMINE THE ISSUE OF THE
NOTICE OF REMOVAL BEING PROPER OR IMPROPER
BEFORE THIS COURT AND NOT THE STATE COURTS

Now comes the Plaintiff, Derrick Lee Cardello-Smith and in the above cause hereby moving this Court to grant permission to the Plaintiff to file an Interlocutory Appeal to the United States Court of Appeals for the Sixth Circuit for that Court to render a Decision on the Issue of Whether the Case being in this Court after it was removed from the State Court is in fact Proper or Improper or whether it should have remained in the State Court based on the Grounds to be articulated within the accompanying Brief in Support and the Appeal to be presented to the Court of Appeals and Plaintiff states that the Court can effect this Move and it will in no way prejudice the Defendant, but it will in fact Prejudice this Plaintiff if it is not allowed to proceed and be answered by the Court of Appeals on this matter as that the issues are very important and must be addressed by the Court of Appeals before any further action can be taken on this case.

Thank you for your time in this Matter.


Mr. Derrick Lee Cardello-Smith
#267009

Plaintiff in Pro Per
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

12-2-24

BRIEF IN SUPPORT

Plaintiff states that this Jurisdiction of this Court will lead this Plaintiff to be deprived of Justice that has been afforded to him through the Trial Court and then stripped of him by the Defendants and their Illegal Unlawfully Done Removal to the Federal Court and this Courts Denial of the Remand and this Courts Claim that the Michigan Court of Appeals Jurisdiction and Plaintiffs claims of Personal Injury, Rape by the Defendant, and Cover-up by other officials involved in this matter, will in fact create an opportunity for the Defendant to avoid his responsibility of his Rape of this Plaintiff.

Plaintiff believes that this Courts rulings thus far have been an incorrect and inappropriate application of State Court Rule and The Federal statute allowing the Federal court to claim jurisdiction and most importantly, the District Courts statement that the Plaintiffs Objections are 'Irrelevant' is clearly an abuse of the District Courts Discretion and demonstrates that this Court has a clear intention of Denying this Plaintiffs the Judgement to which this Plaintiff is entitled to and allow the Defendant to Get Away with Raping this Plaintiff.

Plaintiff States that the Defendant has maintained a Residence in Michigan and the Affidavits of those On record from George Preston and Kathryn Preston, support this Claim and this matter go directly to the heart of the complaint and judgement that this plaintiff was granted in the trial court.

Plaintiff believes that this Court has been biased against this Plaintiff by claiming certain things are irrelevant and do not apply to this Plaintiff only to show favoritism to the defendants and this is proven by viewing the Courts decision on the Motion to Remand issued on November 15, 2024 in the Footnote at the Bottom of the Courts order, stating that it is not relevant, this District Courts rulings are prejudice and biased and show favoritism to the Defendants Lawyers Sean Combs over that of the Correct Rule of Law, and that is improper and this Court should allow the issue to be reviewed before the Court of Appeals, because the Plaintiff can show that.

1. Defendants Removal is unlawful.
2. Defendants Removal based on diversity of residence is false as that the Defendant maintained a resident here in Michigan as proven by the Certified Mail receipts and Affidavits attesting to him residing in Michigan Prior to, During and after the Sexual assault of this Plaintiff.
3. The Notice of Removal is untimely and outside of the 30 days and it is within the Michigan State Courts and not the Federal Courts Authority to have it.
4. Provisional Acts do not confer Jurisdiction on the Federal Court on these matters.

Plaintiff can in fact meet the 3 provisions required for this matter, where (1) Such Order denying remand involves a controlling question of law, (2) as to which there is a substantial ground for difference of opinion, 93) that an immediate appeal from this order may materially advance the termination of the litigation to which this Court has Jurisdiction....See 28.U.S.C. 1292(b), MCR 1.112, See also Vitolis v. citizens Banking Co, 984 F.2d 168, 6th Circuit # 92-8348, Cordwell v.

chesapeake & Ohio Ry Company, 304 F.2d 444.446 (6th Circuit 1974).

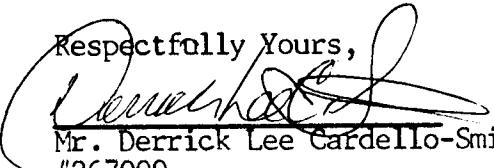
Plaintiff believes the Court of Appeals should answer the question as to Whether or Not if The entire list of laws and approach the District Court has taken to this Case on the Issue of Jurisdiction is a question for the Court of Appeals and it should be argued to the Court of Appeals before this Court takes any other action in this case, most importantly, entertaining any order to GRANT DISMISSAL OR TO DISMISS THIS CASE FOR ANY OTHER ACTIONS, and as such, it would be in the Interest of All Parties to have this Matter held in abeyance while the Plaintiff Proceeds to the Court of Appeals.

Lastly, there is no risk to the Defendant in anyway being prejudiced with this matter being heard by the Court of Appeals, and if not, then it will prejudice the Plaintiff should this court go any further towards any negative decision against the Plaintiff.

RELIEF SOUGHT

Wherefore, Plaintiff Prays this Court will Permission to Appeal this Case to the Court of Appeals on an Interlocutory Appeal and to hold this case in abeyance and grant any further relief it deems necessary and appropriate.

Respectfully Yours,


Mr. Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

12-10-24

Mr. Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

12-2-24

Office of the Clerk
United States District Court
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith v. Sean Combs
Case No 2:24-cv-12647

Dear Clerk:

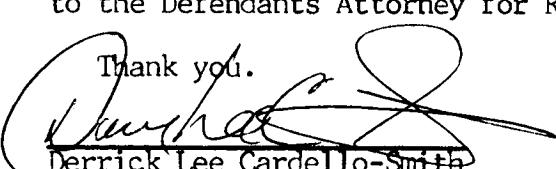
Enclosed for filing in the above cause, the following documents for processing by the Clerk and Judge Judith Levy:

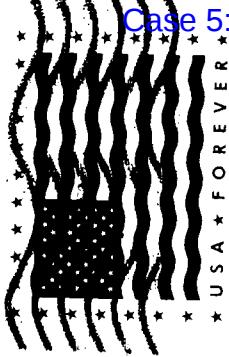
1. PERMISSION TO FILE AN INTERLOCUTORY APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT TO DETERMINE THE ISSUE OF THE NOTICE OF REMOVAL BEING PROPER OR IMPROPER BEFORE THIS COURT AND NOT THE STATE COURTS. Brief in Support.
2. PROOF OF SERVICE at bottom of cover letter.

PROOF OF SERVICE

I swear and declare that on 12-2-24, I mailed one copy of this pleading to the Defendants Attorney for Record at his Address of record by US Mail.

Thank you.


Derrick Lee Cardello-Smith



NAME: Mr. Derrick Lee Cardello-Smith
Number: 1267009
Address: E.C. Brooks Correctional Facility
Address: 2500 S. Sheridan Drive
Muskegon, MI 49444

GRAND RAPIDS MI 493
2 DEC 2024 PM 5 1

Mailed on 12-2-2

Case No 2:24-cv-12647

Office of the Clerk
United States District Court
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

48226-277758

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